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August 14, 2015

**VIA ECF**

Hon. Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: MSC Mediterranean Shipping Company S.A. v. O.W. Bunker North America Inc., et al., No. 1:15-cv-03221-VEC**

Dear Judge Caproni:

On July 1, 2015, you ordered "[b]y August 14, 2015, Plaintiff shall file a stipulation of dismissal with respect to Defendant OW Switzerland."

On that same day, July 1, 2015, we prepared and circulated to other counsel in this case a stipulated order that would dismiss without prejudice O.W. Bunker (Switzerland) S.A., the only defendant in this case that has not either appeared or waived service. Counsel for Harley Marine has approved the order. Counsel for ING has suggested a further extension of the deadline today for submitting an order to you. We don't see any point in postponing O.W. Switzerland's dismissal. Counsel for O.W. Bunker USA / O.W. Bunker North America has not responded.

As time has gone on, it's become clear that O.W. Switzerland is defunct. Our client therefore doesn't need interpleader relief against it. We'd respectfully suggest the Court enter an order giving any party ten days to state, in a letter brief, why the Court should not dismiss O.W. Switzerland without prejudice. Should any party make a submission, we'd request ten days to respond. Thank you.

Respectfully submitted,

*Charles S. Donovan*

Charles S. Donovan (admitted pro hac vice)  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
Attorneys for plaintiff, MSC Mediterranean Shipping Company S.A.

cc: All counsel via ECF or Electronic Mail

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